

Application Serial No. 10/687,568
Reply to Office Action mailed May 23, 2008
Response dated July 23, 2008

REMARKS

Claims 40-43 and 50-73 are currently pending in the present application. Applicants have not amended the claims with this response and therefore have not provided a listing of the claims in accordance with 37 C.F.R § 1.121 (c).

Applicants have reviewed the Examiner's response on pages 3-4 of the Office Action mailed May 23, 2008. Applicants respectfully assert that the Examiner has erroneously characterized the features of Applicants' claims and arguments presented in the Amendment dated April 23, 2008.

Applicants respectfully request reconsideration.

I. Miskinyar (U.S. 4,894,054)

With respect to Miskinyar, the Examiner has erroneously limited the Applicants' arguments to be "**that the infusion set is removable from the Injector device while the cannula remains in the skin**" (emphasis in the Office Action). Applicants have not recited this limitation in independent claims 55 and 66 that have been rejected as being anticipated by Miskinyar. Applicants have provided arguments discussing the requirement for an infusion set and that the housing is manually deformable to effect release of the plunger. In the April 23, 2008 Amendment, Applicants clarified that the manually deformable housing is deformable from a first geometric housing configuration to a second geometric housing configuration to effect release of the plunger as claimed in claim 55. Miskinyar is yet another example of an innoculator where no separable component is configured to be mounted in the device housing, let alone an infusion set that is positioned removably from and contained within said device housing. The rigid housing of Miskinyar also is not manually deformable to effect release of the plunger. In addition, the button 33 referred to in the Examiner's rejection is not part of the housing. Even if the button could be considered part of the housing, neither the button nor the housing of Miskinyar are **manually deformable**. Both the housing 10 and the button 33 maintain their respective geometric configurations. Miskinyar also does not include a cover that receives a part of a removable infusion set. Miskinyar clearly does not anticipate Applicants' claims 55, 57, 60, 66, 70, 71 and 72 as previously discussed thoroughly in the Response dated April 23, 2008.

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Therefore, Applicants respectfully request that the rejection of claims 55, 57, 60, 66, 70, 71 and 72 under 35 U.S.C. 102(b) be withdrawn.

II. Safabash (6,293,925)

With respect to Safabash, the Examiner's brief statement does not address Applicants' claim limitations such as the limitation in claims 55, 56, and 61 requiring "a cover member removably secured to said device housing, said cover member covering an end of said device housing." Claim 66 similarly requires "a cover removably connected to a front end portion of said housing and covering an opening defined in the front end portion of said housing" that also was not addressed by the Examiner's statement. As clearly stated in the Amendment dated April 23, 2008, Applicants' independent claims 55, 56, 61 and 66 each require a cover member connected to a portion of a device **housing**. Further as discussed in the April 23, 2008 Amendment, claims 55, 56, 61 and 66 also require a **manually deformable** housing. This means that the cover is connected to a portion of the housing and that same housing is manually deformable. Safabash clearly does not disclose a cover or a manually deformable housing. Even if one considers the needle guard 414 identified by the Examiner as being a cover, the needle guard 414 is not connected to a manually deformable housing nor does the needle guard even connect to the housing. Safabash discloses several embodiments of an injector having an open housing end portion. None of the embodiments of Safabash show a cover connected to the housing. These claim limitations and arguments have been thoroughly discussed in the April 23, 2008 Amendment.

Applicants respectfully request that the rejection of claims 55-57, 60-64, 66 and 69-72 under 35 U.S.C. 102(e) be withdrawn.

III. Claim Rejections Under 35 U.S.C. § 103

Applicants respectfully request reconsideration of the rejections of the additional pending claims as being obvious in view of Safabash in combination with Teeple Jr. (U.S. 5,807,316)-based on the discussion of Safabash above. These references have been discussed in detail in the Amendment dated April 23, 2008.

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Applicants respectfully request that the rejection of claims 58 and 59 under 35 U.S.C. 103(a) as being unpatentable over Safabash and further in view of Teeple, Jr. be withdrawn.

IV. Allowable Subject Matter

Applicants kindly thank the Examiner for indicating that claims 40-43, 50-54, 67 and 68 are allowed. The Examiner has not provided any rejection of claims 65 and 73.

Applicants therefore assert that claims 65 and 73 are also allowable.

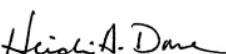
V. SUMMARY

It is respectfully asserted that the claims properly define the invention and that the invention is both novel and non-obvious. Allowance of the present claims is earnestly solicited.

Should the Examiner wish to discuss any of the above submissions in more detail, the Examiner is asked to please call the undersigned at the telephone number listed below.

Respectfully submitted,

July 23, 2008
Date



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